IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 34435

STATE OF IDAHO,	)	2008 Unpublished Opinion No. 436
	)	
Plaintiff-Respondent,	)	Filed: April 23, 2008
	)	
v.	)	Stephen W. Kenyon, Clerk
	)	
SETH CORNING,	)	THIS IS AN UNPUBLISHED
	)	OPINION AND SHALL NOT
Defendant-Appellant.	)	BE CITED AS AUTHORITY
	)	

Appeal from the District Court of the Third Judicial District, State of Idaho, Canyon County. Hon. Renae J. Hoff, District Judge.

Order denying I.C.R. 35 motion for reduction of sentence, <u>affirmed</u>.

Molly J. Huskey, State Appellate Public Defender; Sara B. Thomas, Chief, AppellateUnit, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Kenneth K. Jorgensen, Deputy Attorney General, Boise, for respondent.

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PER CURIAM

Two months after topping out his prison sentence for grand theft, Seth Corning was charged with and pled guilty to sexual battery of a minor child sixteen or seventeen years of age, I.C. § 18-1508A(a). Corning was sentenced to unified term of twelve years with four years determinate. Corning filed an Idaho Criminal Rule 35 motion for reduction of sentence, which the district court denied. Corning appeals from that denial, contending that the district court abused its discretion by denying his Rule 35 motion.

A Rule 35 motion is a request for leniency which is addressed to the sound discretion of the sentencing court. *State v. Knighton*, 143 Idaho 318, 319, 144 P.3d 23, 24 (2006); *State v. Allbee*, 115 Idaho 845, 846, 771 P.2d 66, 67 (Ct. App. 1989). In presenting a Rule 35 motion, the defendant must show that the sentence is excessive in light of new or additional information subsequently provided to the district court in support of the motion. *State v. Huffman*, 144 Idaho 201, 203, 159 P.3d 838, 840 (2007).

Applying the foregoing standards and having reviewed the record, we conclude that the district court did not abuse its discretion by denying Corning's Rule 35 motion for reduction of sentence. Accordingly, the order of the district court denying Corning's Rule 35 motion is affirmed.